

(30)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No.425/89.

Date of Decision : 7-6-1991.

T.A.No.

	Petitioner.
	Advocate for the petitioner (s)
Versus	
	Respondent.
	Advocate for the Respondent (s)

CORAM :

THE HON'BLE MR.B.N.JAYASIMHA : VICE CHAIRMAN

THE HON'BLE MR. J.N.MURTHY : MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *no*
2. To be referred to the Reporter or not ? *no*
3. Whether their Lordships wish to see the fair copy of the Judgment ? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *no*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

BNJ
(BNJ)
VC

JNM
(JNM)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.425/89.

Date of Order:7-6-1991.

B.Ramesh Babu.

....Applicant

Vs.

1. Secretary, Ministry of
Information and Broad Casting,
New Delhi.

2. Director General,
Doordarshan,
Mandihouse,
Koparnikas Marg,
New Delhi.

3. Director,
Doordarshan Kendra,
Ramanthapur, Hyderabad.

.....Respondents

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Counsel for the Applicant : Shri Y.Suryanarayana

Counsel for the Respondents : Shri N.V.RAMANA, Addl.CGSC

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CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

(Order of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

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The applicant herein, who was working as Production Assistant in Doordharshan Kendra, Hyderabad, has filed this application aggrieved by the orders issued by the Director, Doordarshan Kendra, Hyderabad in his note dt.26-5-1989.

2. The applicant states that he has been engaged as production Assistant in the year 1984 onwards. He is being engaged as and when required. By the impugned note

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his engagement as Production Assistant on Daily Wages stopped, restricting the engagement to only those persons recruited after 1-1-1988. Aggrieved by this order, he has filed this application seeking a direction to continue him as Production Assistant pending regularisation in the corresponding regular post and also grant relaxation of age limit.

3. The respondents filed a counter disputing the claim made by the applicant.

4. We have heard Shri C.Suryanarayana, representing Shri Y.Suryanarayana, learned counsel for the applicant and Shri N.V. Ramana, learned standing counsel for the Respondents. Shri Suryanarayana states that similarly placed Casual Staff Artists had filed applications in the Principal Bench (OA 894/90, OA 2322/90 and OA 1775/90) and the decision rendered by the Principal Bench in these cases apply to the applicants also. The Principal Bench in these cases considered the applications filed by Casual Staff Artists or Artists booked on assignment basis and after considering the points urged by the applicants and the counter filed on behalf of the Union Government, gave the following directions :-

for

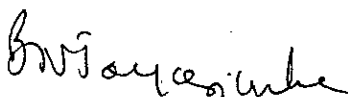
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- (i) Casual Artists who have been engaged for an aggregate period of 120 days, may be treated as eligible for regularisation. The broken period in between engagement and disengagement, are to be ignored for this purpose.
- (ii) The respondents shall prepare a panel of Casual Artists who had been engaged on contract basis, depending on the length of service. The names of those who have not been regularised so far, specially from 1980 onwards, though they may not be in service now, are to be included in the panel. Persons borne on the panel, are to be considered for regularisation in the available vacancies.
- (iii) For the purpose of regularisation, the upper age limit has to be relaxed to the extent of service rendered by the Casual Artists. One hundred and twenty day's service in the aggregate shall be treated as the service rendered in one year for this purpose.
- (iv) Till all the Casual Artists who have been engaged by the respondents have been regularised, the respondents may not resort to fresh recruitment of such Artists through Employment Exchange or otherwise.
- (v) Till the Casual Artists are regularised, the wages to be paid to them should be in accordance with the scale of pay of the post held by a
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regular employee in an identical post. The amount of actual payment would be restricted to the actual number of days worked during a month."

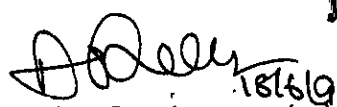
In giving the above directions, the Principal Bench took into consideration the various decisions given by the Supreme Court and observed that framing of a suitable scheme for regularisation of the Casual Artists is constitutional imperative.

5. In as much as the applicants are similarly situated, the judgment of the Principal Bench covers the case of the applicants also. Accordingly we direct the Respondents to extend the benefit of the Judgment of the Principal Bench to the applicants also. The Respondents will implement the above directions within four months from the date of receipt of this orders.


(B.N. JAYASIMHA)
Vice-Chairman


(J.N. MURTHY)
Member (J)


Dated: 7th June, 1991.

Dictated in Open Court.  Deputy Registrar(J)

Tavl/

1. The Secretary, Ministry of Information and Broad Casting, New Delhi.
2. The Director General, Doordarshan, Mandihouse, Koparnikas Marg, New Delhi.
3. The Director, Doordarshna Kendra, Ramantapur, Hyderabad.
4. One copy to Mr. Y. Suryanarayana, Advocate, CAT. Hyd. Bench.
5. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT. Hyd.
6. One copy to Hon'ble Mr. J. Narasimha Murthy, Member (J) CAT. Hyd.
7. One spare copy.

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